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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,393	02/12/2002	Jeffrey R. Burns		5388
7590	09/09/2005		EXAMINER	
William J. Crossetta Jr. Crossetta & Associates 905 Convention Towers 43 Court Street Buffalo, NY 14202			KIM, CHONG R	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/073,393	BURNS, JEFFREY R.
	Examiner Charles Kim	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-15 is/are allowed.
- 6) Claim(s) 16-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment and Arguments

1. Applicant's amendment filed on April 18, 2005 has been entered and made of record.
2. In view of applicant's arguments (see pages 10-14), the objection to the drawings are withdrawn.
3. The Examiner notes that the applicant's amendment (page 8) identifies the status of the claim 14 as "original", but it appears that claim 14 has been amended. More specifically, the phrase "said computer posed queries" has been replaced with "said arrangement posed queries".
4. In view of applicant's amendments, the 112 second paragraph rejections are withdrawn.
5. Applicant's arguments with respect to the rejection(s) of claim(s) 16-19 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Miyagawa, U.S. Patent No. 6,412,692, the details of which are provided below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 16, the phrase “said printing means” in line 9 lacks antecedent basis.

Appropriate correction is required.

Claims not mentioned specifically are dependent from indefinite antecedent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyagawa, U.S. Patent No. 6,412,692 (“Miyagawa”).

Referring to claim 16, Miyagawa discloses a controlled entry device (1, 2) comprising a PC monitor (11), keyboard (12), card swipe data entry means 25), camera (13), audio speaker (23) and printer means (16), in electric communication with a controlling computer (21) comprising a controller means, comparitor means, computing means, data storage means and means for remote communication [col. 7, line 21-col. 8, line 60 and figures 1-2], wherein the controlling computer is enabled to automatically compare values indicative of entry clearance against pre-established parameters (col. 9, lines 16-col. 10, line 13; note that the “voting right” is compared to determine if the voter has a right to vote, whereby the voter is allowed entry clearance to vote if the voting right requirement is met), and automatically generate a printed

document, dispensed from the printing means to a visitor presented before the controlled entry device, containing a photo identification of the visitor and parameters of entry (col. 7, lines 34-67).

Referring to claim 17, Miyagawa further discloses that the controlling computer is in enabling communication with a remote data storage means [col. 7, lines 60-67 and figure 1].

Referring to claim 18, Miyagawa further discloses that the controlling computer comprises a remote central computer means [col. 7, lines 60-67 and figure 1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Miyagawa, U.S. Patent No. 6,412,692 (“Miyagawa”) and Lemelson, U.S. Patent No. 4,991,205 (“Lemelson”).

Referring to claim 19, Miyagawa does not explicitly disclose that the device comprises a microphone for input of voice data. However, this feature was exceedingly well known in the art. For example, Lemelson discloses a controlled entry device that comprises a microphone (21) for input of voice data (col. 2, lines 43-62 and col. 4, lines 9-62).

Miyagawa and Lemelson are combinable because they are both concerned with controlled entry device systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the device of Miyagawa to include the microphone of Lemelson. The suggestion/motivation for doing so would have been to enhance the flexibility and security of the controlled entry device (Lemelson, col. 2, lines 8-15). Therefore, it would have been obvious to combine Miyagawa with Lemelson to obtain the invention as specified in claim 19.

Allowable Subject Matter

9. Claims 1-15 are allowed.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

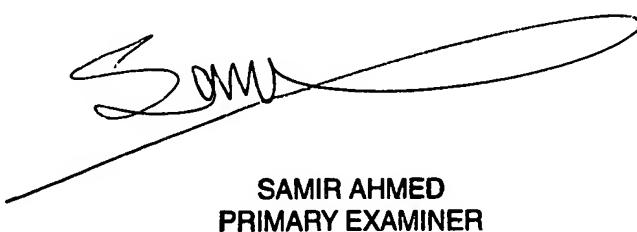
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ck
September 2, 2005


SAMIR AHMED
PRIMARY EXAMINER